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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,869	10/14/2001	Jeffrey Charles Hawkins	24772-10592	3748

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EXAMINER

HARVEY, DIONNE

ART UNIT	PAPER NUMBER
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2646

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,869

Applicant(s)

HAWKINS ET AL.

Examiner

Dionne N. Harvey

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 13-19, 26, 27, 29 and 31-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 20-25 28 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-8, 11,12 and 20-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Haraguchi (US 6,813,416)** in view of **Zirul (US 6,912,399)**.

Regarding claims 1 and 20, In **column 1**, Haraguchi teaches a portable information terminal such as a pager, PDA or cellular phone which reads on "A mobile device comprising";

the device provides a plurality of applications including "**ALARM CLOCK**", which reads on "mobile computing application";

the device also includes a transceiver unit **21R, 21T**, which reads on "phone application";

Haraguchi teaches that the device includes a jog dial switch **17**, which reads on "a user-controllable pivoting input switch"; the switch **17** being operational by an upward rotation, a downward rotation and pressing, which reads on "having multiple operational modes wherein a plurality of operational modes direct the operation of the mobile computing application", as is recited in claim 1, and also reads on "at least first and second operational modes", as is recited in claim 20.

Though Haraguchi teaches that the rotatable switch **17** has a function in a plurality of the respective device applications, he does not clearly teach that switch also performs a function in the telephone application.

In **column 6, lines 42-45**, Zirul teaches that it is well known in the art to make use of a rotary switch in the telephone application of a mobile communication device, wherein the rotary switch may be used for increasing or decreasing the amplitude of sound from the speaker unit.

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Haraguchi and Zirul, such that switch **17** performs a scrolling and selection function in the mobile computing applications of the mobile device, and also such that switch **17** performs an increase/decrease volume function in the phone application of the mobile device, thereby reducing the number of switches necessary to operate the device and thus simplifying it's operation.

Regarding claim 2, Haraguchi teaches that the switch **17** pivots about an axis for at least one of the operational modes.

Regarding claim 3, Haraguchi teaches that the switch is a rotary switch.

Regarding claim 4, The combination of Haraguchi and Zirul, does not specifically teach that the switch is a rocking switch. However, the Examiner takes Official Notice that rocking switches are well known in the art and it would have been obvious to use any of numerous types of switches such as a rotary, pivoting or rocking switch, as any of these are capable of performing desired functions in a mobile device.

Regarding claim 5, Haraguchi teaches in **column 5, lines 31-36** that switch **17** adjusts the downward movement of the screen, thereby reading on “wherein one operational mode requires the rotation of the pivoting switch in the clockwise direction about the axis.”

Regarding claim 6, Haraguchi teaches that switch **17** adjusts the upward movement of the screen, thereby reading on, “wherein another operational mode requires the rotation of the pivoting switch in the counterclockwise direction about the axis.”

Regarding claim 7, in **column 10, lines 15-17**, Haraguchi teaches that switch **17** may be pressed to enter a desired operation, thereby reading on “wherein another operational mode requires pressing in the switch.”

Regarding claims 8 and 23, Haraguchi teaches that switch **17** may be rotatable in two directions, as well as pressable. In **column 6, lines 35-37**, Zirul teaches that a switch is constructed such that another operational mode requires pressing in the switch and holding the switch in this state for a duration of time.

Regarding claims 11 and 12, Zirul teaches that the rotation of the switch may be used to direct the phone application to adjust the volume of a phone conversation during an active call session.

Regarding claim 21, the apparatus of Haraguchi inherently teaches a method of operating a mobile device that has a pivoting input switch **17**, a computing application, and a phone application (**see detailed rejection of claim 1 and 20**); Haraguchi teaches that by rotating switch **17** upward, the screen is adjusted in a first direction, and

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by rotating the switch downward, the screen is adjusted in a second direction, thereby reading on “rotating the switch in the first direction to direct the computing application to perform a second operation.” Haraguchi does not clearly teach that switch **17** performs an operation in the phone application.

Though Haraguchi teaches that the rotatable switch **17** has a function in a plurality of the respective device applications, he does not clearly teach that switch also performs a function in the telephone application.

In **column 6, lines 42-45**, Zirul teaches that it is well known in the art to make use of a rotary switch in the telephone application of a mobile communication device, wherein the rotary switch may be used for increasing or decreasing the amplitude of sound from the speaker unit.

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Haraguchi and Zirul, such that switch **17** performs a scrolling and selection function in the mobile computing applications of the mobile device, and also such that switch **17** performs an increase/decrease volume function in the phone application of the mobile device, thereby reducing the number of switches necessary to operate the device and thus simplifying it's operation.

Regarding claim 22, in **column 10, lines 15-17**, Haraguchi teaches that switch **17** may be pressed to enter a desired operation, thereby reading on “pressing in the switch to direct the operation of at least one of the applications.”

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2. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Haraguchi (US 6,813,416)** in view of **Zirul (US 6,912,399)** and further in view of **Silverbrook (US 6,788,293)**.

Regarding claims 9 and 10, the combination of Haraguchi, Raisanen and Silverbrook does not clearly teach that the pressing and holding of the switch directs the phone application to perform a redial operation OR that the pressing and holding of the switch directs the phone application to terminate an active call session. However, as evidenced by the claims, it would have been obvious for one of ordinary skill in the art at the time of the invention to construct the device such that the switch is operable to perform any variety of the device functions, since doing so would not in any way affect the functionality or proper operation of the device.

3. **Claims 24, 25, 28 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Richards (US 5,141,540)** in view of **Haraguchi (US 6,813,416)** and further in view of **Hikishima (US 2003/0045245 A1)**.

Regarding claim 24, in **figure 3**, Richards teaches a mobile device comprising :

- a display screen **114**;
- a lid **102** removably covering the display screen, said lid having a transparent element **108** that allows at least a portion of the display screen to be visible while the lid covers the display screen;
- a phone application (**the device operates as a telephone**);

and at least one switch **106** that directs operation of the application in a scrolling capacity, even when the lid cover is closed.

Richards does not clearly teach that the switch is a pivoting input switch.

In **figure 1**, Nuovo teaches a mobile device having a phone application, and wherein the lid **3** of the mobile device is provided with a roller switch **10** which pivots in an upward and downward direction, thus reading on “a pivoting input switch” for scrolling through displayed information.

It would have been obvious for one of ordinary skill in the art at the time of the invention to substitute the pivot switch **10** of Nuovo for the pushable switches **106** of Richards, as either switch is capable of navigating the display portion of the device, and whereas the pivoting switch of Nuovo simplifies operation of the device.

Neither Richards nor Nuovo clearly teach a headset socket, or that the pivoting input switch allows a user to interact with the phone application while the lid is closed only when an earpiece or headset is plugged into the headset socket.

In **figure 1A**, Hikishima teaches a headset socket **9**, and in **page 2, paragraph [0037]**, Hikishima teaches that when an operator inserts an earphone into the headset socket, the user is able to interact with the phone application of the mobile device via input switches **10,11**.

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Richards, Nuovo and Hikishima, constructing the mobile device such that when a headset is connected, the user may interact with the

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phone application, thereby permitting the user to answer and terminate phone calls without having to open the lid of the mobile device.

Regarding claim 25, in **figure 3**, Richards teaches that the lid **102** pivotally couples to the device, wherein the lid can be in at least a retracted state and an extended state, wherein in the retracted state the lid covers the display screen **114**, and in the extended state the lid does not cover the display screen, wherein the lid rotate about is pivotal **112** connection to the device to go from one state to another.

Regarding claim 26, Richards teaches that the application is a phone application.

Regarding claim 27, the combination of Richards, Nuovo and Hikishima teaches that the input switch allows a user to interact with the phone application while the lid covers the display screen.

Regarding claim 28, Richards teaches that the Push-to-talk function of switch **206** allows the user to initiate a telephone call while the lid covers the display screen. Richards teaches that the pivoting switch **206**, being pressable, may also be adapted to perform the push to talk feature.

Regarding claim 30, Hikishima teaches that at least one of the applications displays a game, which reads on "a graphical user interface ("GUI")", and the pivoting input switch allows a user to interact with the GUI (which will display caller ID) while the lid covers the display screen.

Response to Arguments

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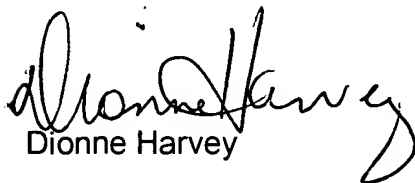
4. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne N Harvey whose telephone number is 703-305-1111. The examiner can normally be reached on 9-6:30 M-F and alternating Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dionne Harvey


GEORGE ENG
PRIMARY EXAMINER